

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JAELE FRAISE

PLAINTIFF

V.

NO. 4:08CV147-M-D

“UNKNOWN” STURDIVANT

DEFENDANT

**ORDER ADOPTING
REPORT AND RECOMMENDATION
AND DISMISSING CASE**

The Plaintiff, an inmate, brings this complaint *pro se* pursuant to 42 U.S.C. § 1983. The Magistrate Judge has submitted a Report dated March 6, 2009, recommending the dismissal of two Defendants.

The Report was on that date duly served by mail upon Plaintiff and Defendants at their last known addresses; that more than ten days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been served or filed by any party. The court is of the opinion that the Magistrate Judge’s Report and Recommendation should be approved and adopted as the opinion of the court.

THEREFORE, it is hereby **ORDERED** that

(1) the Report and Recommendation (docket entry 21) is **APPROVED** and **ADOPTED** as the opinion of this court;

(2) Defendants Thomas and Brewer and the claims against them are **DISMISSED WITH PREJUDICE**; and

(3) Plaintiff may proceed with his claim against Defendant Sturdivant.

SO ORDERED, this the 7th day of April, 2009.

/s/ MICHAEL P. MILLS
CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI